

GI 5192A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David Israel and Neil M. Wolfman
 Serial No. : 07/864,692 Examiner :
 Filed : April 7, 1992 Art Unit :
 For : RECOMBINANT BONE MORPHOGENIC PROTEIN
 HETERODIMERS, COMPOSITIONS AND METHODS OF USE

April 5, 1993

BOX SEQUENCE
 Hon. Commissioner of
 Patents and Trademarks
 Washington, DC 20231

Certificate of Facsimile Transmission
 I hereby certify that this paper is being facsimile
 transmitted to the Patent and Trademark Office on the date shown below
Ellen J. Kapinos
 Type or print name of person signing certificate
Ellen J. Kapinos
 Signature
April 5, 1993
 Date

PETITION AND FEE FOR EXTENSION OF TIME
UNDER 37 CFR 1.136(a) and (b)

We hereby request an extension of time for response within the sixth month pursuant to 37 CFR 1.136(a) and (b) in which to respond to the Notice to Comply mailed October 7, 1992. This extension resets the time for response from November 7, 1992 to April 7, 1993.

This document is being faxed to Examiner Allen (in accordance with instructions received from Examiner Allen during a telephone conference March 31) on the date indicated below to supplement the response filed by first class mail March 25, 1993.

The original Notice to Comply with Sequence Requirements was mailed October 7, 1992. Applicants responded on November 6, 1992 within the first month submitting an Amendment, a Sequence Listing comprised of thirty (30) sequence id's and a computer readable disc.

Post-It™ brand fax transmittal memo 7671		# of pages > 47
To	Ex. Marianne P. Allen	
Co.	USPTO	
Dept.	Art. Unit 1812	
Fax #	703 308 4227	
From	Ellen Kapinos	
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A second Notice was mailed by the Patent Office on January 25, 1993. This Notice was actually a Notice of Non-Compliance indicating that three sequences were not included in the previous submission and a line number was incorrectly designated in the amendment. The Notice was misinterpreted as extendable similar to a Notice to Comply. A PTO Notice to Comply form specifying corrections was attached to the January 25 Notice. When preparing the Response for filing on March 25, Applicants' attorney realized that a response was due within one month or within the time left for response from the October 7 Notice.

The January 25 Notice indicated that the time for response to the Notice to Comply could be extended up to the sixth month under 37 CFR 1.136 (a) and (b), however Applicants' attorney was aware that the maximum fee provided for under 37 CFR 1.17 was for a four month extension.

Applicants' attorney was unable to reach Examiner Allen by telephone on March 25 and therefore filed the response with Petition and Fee for Extension (copy enclosed) on that date. Authorization to charge a four month extension fee and any further payment to Deposit Account 07-1060 was provided.

On March 29, 1993 the undersigned attorney reached Examiner Allen by telephone and explained the situation. Examiner Allen advised the undersigned attorney on March 31 that a Petition for Extension under 37 CFR 1.136(a) and (b) setting forth the fact situation was required to extend the time for response until the sixth month from the date of the October 7 Notice. The present document is therefore submitted in accordance therewith and to supplement the response which was mailed March 25 with sequence listing and Computer readable disc.

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We authorize the charging of (\$1280.00), One Thousand two hundred and eighty dollars. Should any additional fees be due we hereby authorize payment or crediting of overpayment to our Deposit Account 07-1060, and for this purpose, we enclose a duplicate copy of this petition.

Respectfully submitted,

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Date April 5, 1993